

**MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM
April 1, 2005
9:00AM**

CALL TO ORDER Mr. Faux called the meeting to order at 9:00am

Commission Members:

Present: Ms. Hankner, Ms. Lemmie, Mr. Paddock, Ms. McCray, and Mr. Tarbell

Members Absent: Mr. Mooney

Community Development and Planning Staff:

Margaret Wuerstle, Lenny Adkins, Renee Christon, Caroline Kellam, Steve Briggs and Jennifer Walke.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the March 18, 2005 Planning Commission meeting for approval.

Motion:	Ms. Lemmie motioned to approve the minutes
Second:	Ms.. Hankner
Vote:	All ayes (4-0), motion carried

CONSENT ITEMS

- ITEM #1** A report and recommendation on a ordinance authorizing the City Manager to enter into a Rental Agreement with the Saylor Park Montessori Parents Association for space in the Sayler Park Center for the operation of its Montessori pre-school, which space is not needed for any municipal purpose during the time periods identified by the Agreement.
- ITEM #2** A report and recommendation on a lease of City-owned right-of-way on Columbus Avenue south of Wasson Road and north of Portsmouth Avenue in Hyde Park.
- ITEM #3** A report and recommendation on a Plat of Subdivision, Record Plat for the Villages of Daybreak Subdivision – Phase Two, located south of Seymour Avenue, west of Rhode Island Avenue and north of Langdon Farm Road in the neighborhood of Bond Hill.
- ITEM #4** A report and recommendation on the Lease of Space Measuring Approximately 5,000 Square Feet on the Ground Level of the West Side of Shillito Building "E".

ITEM #5 A report and recommendation on an emergency ordinance to vacate Yorktown Road and release a sewer easement.

Motion: Ms. Hankner motioned to approve the consent items
Second: Ms. Lemmie
Vote: All ayes (4-0), motion carried

Ms McCray arrived at 9:10am

Mr. Tarbell arrived at 9:15am

DISCUSSION ITEMS

ITEM #6 A report and recommendation on a proposed zone change at 4212 River Road and 4171 Hillside Avenue from the RM 2.0 Residential Multi-family to a CC-A Commercial Community Auto-oriented in the neighborhood of Riverside.

Caroline Kellam, Senior City Planner presented this item. The petitioner was Kristi Lawson, P.O. Box 58670, Cincinnati, Ohio 45258

BACKGROUND:

River Road (U.S.50), a major truck route, is the main thoroughfare running through Riverside. The area south of River Road has been mainly industrial with railroad tracks running parallel to River Road. Recreational uses are also located south of River Road. To the north of River Road, the zoning and uses have been predominantly residential, although there is commercial mixed in. The parcels that are the subject of this zone change request, are in close proximity to the intersection of Anderson Ferry and River Road, which contains commercial uses to the north and industrial uses to the south.

The two properties (4212 River Road and 4171 Hillside Avenue) included in this zone change request are located along the north side of River Road near the intersection of Anderson Ferry and River Road and are centrally located within the community of Riverside. These rectangular shaped parcels measure approximately 235' wide by 247' deep (4212 River Road) and 613 wide by 275 deep (4171 Hillside Avenue). These parcels are located within a Hillside District and may be subject to hillside restrictions depending on the development. The elevation change from River Road up to Hillside Avenue is 60', which is a 20% or greater change in elevation. Both parcels are vacant and for sale.

The petitioner, Kristi Lawson, owns the properties at 4212 River Road and 4171 Hillside Avenue. She inherited the property from her father and at the time the property was zoned R-5 (T). She did not realize during the zoning approval process, the zoning would change to solely residential. Her objection is that the change from R-5 (T) Multi-Family Medium Density Transitional District zoning to the RM 2.0 Residential Multi-family severely limits the marketability of her property.

Initially, a zone change staff conference was held in November where staff suggested a zone change from the current RM 2.0 to CG-A – Commercial General Auto-oriented. This is the least restrictive of the commercial zones. The Riverside Civic and Welfare Club, Inc. wrote a letter opposing that suggested zone change in the interest of preserving residential zoning.

At the staff conference, discussions commenced regarding desirable commercial uses that would serve neighborhood needs. The community group held a special meeting on February 23, 2005, with Kristi Lawson, the property owner, and a compromise was agreed upon. The proposed zone change will be to CC-A Commercial Community Auto-oriented. See the attached letter from Kristi Lawson, the property owner.

Other than those in attendance at the zoning staff conference, staff has not received any phone calls or letters of support or opposition from abutting property owners.

The main concern of the neighborhood is that any new commercial uses serve the neighborhood needs and do not increase traffic and litter.

Two properties are included in this zone change request; 4212 River Road and 4171 Hillside Avenue. Over the years the intersection of Anderson Ferry and River Roads has developed into a small commercial intersection serving the neighborhood needs, ferry passengers and River Road traffic. The Riverside Strategic Community Plan of 2002 designates Anderson Ferry and River Road as a target area for future commercial development. The subject zone change properties are very near this intersection and could be used for such desired commercial development. The property owner wishes to sell this property for a reasonable price. A commercial use for the property is a good option. The back portion of the property has a severe elevation change and may be difficult to develop. South of the property across River Road is Ashland Oil which includes large tanks. Due to these issues, the subject property may not be desirable property for residential development.

CONCLUSIONS:

1. The property is currently zoned RM 2.0- Residential Multi-family that allows very limited commercial uses.
2. A change of zoning from RM 2.0 – Residential Multi-family to CC-A Commercial Community auto-oriented will not have a negative impact on the neighboring residential areas.
3. The Riverside Civic and Welfare Club, Inc. support the CC-A Commercial Community auto-oriented zoning.
4. There are no longer transitional districts in the Zoning Code. It is important to maintain a buffer or transitional area between the industrial uses to the south and the west and the residential uses to the east.

RECOMMENDATION: The staff of the City Planning Department recommended that the City Planning Commission take the following action:

1. Approve a zone change for the properties located at 4212 River Road and 4171 Hillside Avenue from the RM 2.0 Residential Multi-family to CC-A Commercial Community Auto-oriented for the following reasons:

- a. The CC-A zoning designation will allow the owner to more effectively market the property.
- b. The CC-A zoning designation will not negatively impact the existing character of the surrounding area.
- c. It is important to maintain a buffer or transitional area between the industrial/ intense commercial zoning to the south and the west and the residential zoning to the east and the north.

Dave Zelman, President of the Riverside Civic and Welfare Club, Inc., spoke in opposition of the recommendation. He stated that the community has consistently fought to keep the north side of River Road residential. However, the residents feel that strip retail development would be compatible with the surrounding area. The neighborhood is concerned about the manufacturing uses that the CC-A district would allow. He stated that he would like to see the property zoned CC-M instead of CC-A.

Kristi Lawson, property owner spoke in support of the recommendation and said that the community had indicated to her that they would like to see such uses as a dry cleaning establishment, daycare, and lawn care establishments. She stated that she was willing to compromise further to the CC-M designation to satisfy the neighborhood.

Motion: Ms. Lemmie motioned to approve a zone change to CC-M
Second: Ms. Hankner
Vote: All ayes (6-0), motion carried

CORRECTION OF CONSENT ITEM #4 WORDING

Ms. Wuerstle pointed out to the Commission that Consent Item #4 had a mistake in the recommendation. The recommendation should read “approve the lease of space on the ground floor on the west side of Shillito Building E”

Motion: Ms. Hankner motioned to revise the recommendation to “approve the lease of space on the ground floor of the west side of Shillito Building E”
Second: Ms. Lemmie
Vote: All Ayes (6-0)

Mr. Tarbell questioned why the City is leasing the space for \$1.00 if Real Estate services has determined that the fair market value of the premises is \$8000-\$12,000. Mr. Patrick Ewing explained that the building is not in very good condition and for that reason it was determined that the price could be reduced.

ITEM #7 An informational report concerning the Stewart Landing project located at 1701-1735 Eastern Avenue in the East End Neighborhood.

Steve Briggs, Senior City Planner presented this item to the Commission. The Commission had previously requested a brief presentation on the existing Community Plans and zoning covering this area.

The Sawyer Place Company owns the subject property and the principal George Stewart has proposed a plan to re-develop the area south of Eastern Avenue along the Ohio River. The land area extends from the Park Board's International Friendship Park on the Ohio River eastward to the Johnson Electric Company at 1841 Eastern Avenue.

The new development would be identified as "Stewart Landing". The property currently contains two large buildings that house several businesses including a marketing company, a building product supplier and a river barge terminal operation. The property is approximately 30 acres in size.

The Sawyer Place Company provided an informal presentation, concerning the Stewart Landing project, on February 18, 2005 and the issue was discussed at the March 4 and March 18, 2005 Commission meetings.

The current zoning is Planned Development (PD) District No. 17. In addition to the subject property, PD No. 17 includes

- The Adams Landing project. A 600 plus dwelling unit development in five villages. The first village is under construction and is named, "Twains Point" that includes 26 attached single-family dwelling units).
- The Burn's property is located north of Eastern Avenue, east of Lancaster Street.

Previous zoning, prior to February 2004, was a multi-family medium density transitional zone, R-5 (T) district. The transitional zone guidelines state in part:

- Residential uses are to comply with the R-5 Zone District Requirements.
- Commercial uses are to comply with General Business B-4 and Riverfront RF-2 Zone District Regulations.
- New non-residential buildings (commercial uses) were limited to 45 feet in height.
- New outdoor storage shall be screened from view from Eastern Avenue by use of screen fencing or appropriate landscape material.
- No outdoor, uncontained storage of loose aggregate-type material
- The Development Guidelines of the East End Riverfront Environmental Quality Community Revitalization District No. 1 shall control residential and compatible mixed uses.

Development is also controlled by Environmental Quality Community Revitalization (EQ-CR) District No. 1 Guidelines. This zone district overlay was adopted by City

Council on May 28, 1992 as a part of the comprehensive East End Area zone changes. The EQ-CR No. 1 district guidelines had a specific section titled “LARGE PARCEL DEVELOPMENT” pertaining to development sites that were eight acres or more in size. The guidelines state in part:

- Design new housing development with residential buildings large enough to permit the integration of parking within the building footprint.
- Buildings should be planned and designed to relate well to existing buildings in order to complement them, not neglect them, using choices of building shapes, sizes and orientation, to be harmonious with existing buildings.
- New buildings may rise to a height equal to the elevation of Columbia Parkway if river views from properties adjacent to or above Columbia Parkway and points along Columbia Parkway are respected. This includes the industrial property and former Rookwood Oil Terminal property to the east of the Rookwood Underpass.
- Building heights on the industrial property and former Rookwood Oil Terminal sites to the west of the Rookwood Underpass may not exceed the elevation of Columbia parkway at a point drawn due north from the Ohio River through the center of proposed building to Columbia Parkway; provided that exceptions to the Columbia Parkway height limitation may be approved by the Hearing Examiner so long as:
 1. The river views are respected from properties adjacent to or above Columbia Parkway, including the Eden Park overlooks, and from points along Columbia Parkway.
 2. The average height of new buildings shall not exceed the elevation of 600 feet above sea level. Average building height is defined as the total square footage of each roof area of any structure on the site (including the plazas, decks, walkways, landscaped areas, recreation areas that are above all garage structures) multiplied by the structure's sea level elevation, divided by the sum of the square footage of all the roof areas. Decorative architectural elements, roof gardens, antennas, railings, chimneys, equipment penthouses, stairs and other similar non-habitable spaces may exceed this height limit, and
 3. The structures included in the calculation of average building height shall not exceed a maximum individual building height of 725 feet above sea level. Individual building height is defined as the sea level elevation of the highest main roof of a building. It is intended that decorative architectural elements, roof gardens, railings, chimneys, antennas, equipment penthouses, stairs and other similar non-habitable spaces may exceed this maximum individual building height limit.
- Landscape front property line or parking garages with trees or evergreen shrubs to create a green edge.
- Locate all service areas, including transformers, backflow preventers, dumpsters, and other such utilities, and loading/unloading areas within the building footprint or side or rear yard that is fenced or walled with an opaque screen.

In addition the EQ-CR No.1 guidelines contained a section titled “COMMERCIAL CENTERS”. The guidelines state in part:

- Orient commercial development to Eastern Avenue with a secondary orientation to the riverfront.
- Design each commercial center to feature a pedestrian plaza, widened sidewalks and pedestrian pathways linking to the river.
- Locate residential dwellings units above the ground floor in mixed-use developments.
- Provide a five-foot buffer with screen fencing or landscaping for off-street parking areas along Eastern Avenue.
- Locate all service areas, including transformers, backflow preventers, dumpsters, and other such utilities, and loading/unloading areas within the building footprint or side or rear yard that is fenced or walled with an opaque screen.
- Limit the height of new buildings to 45 feet.

Furthermore, the East End Riverfront Community Development Plan was adopted by City Council on May 28, 1992 and has continued to guide new development in the East End neighborhood. Guidelines from this plan relating to the Stewart Landing project include:

- The Sawyer Place Company properties are within Sub-Area Site A and identified as extending from the Park Board’s property eastward to Johnson Electric Company property.
- The Plan states the site is better suited for residential use rather than its past industrial use.
- The scale of development should be mid-rise residential buildings (approximately 6 stories in height above 2 stories of parking – total 8 stories or about 80 feet above grade)
- Sub-Area Site A was also proposed to be one of two Commercial Centers, the other Commercial Center is proposed to be located at the Collins/Eastern Avenue intersection.
- Each neighborhood center should include a mix of residential and office or community meeting space.
- Retail and service uses are desirable including uses for consideration - convenience grocery store, restaurant, barber/beauty shop, post office, drug store, hardware, bookstore.
- Projects should provide River oriented open space to complement residential uses
- Projects should have Commercial Center oriented towards Eastern Avenue
- The minimum gross square footage listed in Plan for Commercial Center A is 20,000 sq. ft.
- The height of new development should not differ from the heights of adjacent buildings by more than one story (12 feet). Total height of commercial structures should not exceed 45 feet.

City Planning Commission action is not necessary at this time. This report is being made as an informational presentation concerning the current and past zoning along with any plans that may effect future discussions regarding The Sawyer Place Company and the proposed Stewart Landing project. When a formal Planned Development District Concept Plan has been officially submitted the aforementioned guidelines would assist staff in project evaluation in addition to Chapter 1429, Planned Development District Regulations.

There was discussion concerning the zoning code, and how the general guidelines are applied. Curt Paddock asked whether the guidelines in these plans had legal standing in evaluating PD #17 and specifically the Stewart Landing project since there were no formal guidelines adopted for PD #17.

Steve Briggs explained that it was up to the Planning Commission to decide on the guidelines but that the existing plans discussed in the staff report could be used as a benchmark. He went on to explain that staff used these plans at the time of the new Zoning Code was being developed, knowing that there were several projects under consideration. There were 37 PD districts created with the adoption of the new Zoning Code.

Ms. Hankner indicated that the Staff Report should be shared with the developer for consideration in designing his project.

Jacquelyn McCray agreed that the Staff Report should be the format for providing informal comments to the developer and that until the Planning Commission has a formal submission from the developer, the Staff Report is the best that the Commission can provide.

Mr. Tarbell stated that he was troubled by the mass both horizontally and vertically. His office has received several comments from the public concerning the views and all comments have been negative.

Ms. Lemmie stated that the impact on the roadway and other transportation issues are a huge concern.

Mr. Faux stated that the Planning Commission is not unfavorably disposed to development on the riverfront. The guidelines contained in the Staff Report will serve as a basis for reviewing the Stewart Landing project but the Commission is not in a position to make formal comments on the proposal as presented. The minutes of the previous meetings along with this Staff Report are to serve as informal comments for the developer.

NEW BUSINESS

1. Mr. Marvin Kraus addressed the Commission concerning whether zoning applies to all land in the City. He is concerned that the Building Department will not enforce the zoning code on the street. He requested that the City Manager order someone to address this issue in writing and distribute to all City departments.

Julia Carney explained that the Law department is researching this issue and that they are addressing it as a Right-of-way issue and working with the Police Department.

Ms. Lemmie requested that legal staff determine if all land is covered by the Zoning Code and put that decision in writing and bring it back to the next Planning Commission meeting. She also requested that staff develop suggestions for dealing with this issue in the Zoning Code.

2. Mr. Faux brought before the Commission concerns involving the zoning code, as it relates to drinking establishments and the recent appeal before the Zoning Board of Appeals concerning R.P. McMurphy's Pub. He requested that text amendments concerning the issues around R.P. McMurphy's expansion be brought to the CPC meeting of April 15, 2005 along with all pending text amendments on the CPC tracking sheet. He also questioned why the text amendments previously approved by the CPC had not gone to Council for Approval.

Ms. Wuerstle explained that it was not the intent to take individual text amendments to Council for approval. Instead, it was the intent to take as many text changes to Council at one time in order to avoid confusion to both the public and staff regarding the most current version of the code. A couple comprehensive updates would be preferable for reprinting the code as opposed to attachments to the code for individual changes.

Mr. Faux directed staff to bring all pending amendments to the April 15th meeting and then after that meeting forward the approved packet of changes to the Council. He indicated that the updates might not be as comprehensive as we would like but that we should forward this packet to Council after the April 15th meeting.

3. Mr. Tarbell asked question regarding the Guerly Road billboard and wanted to know why the billboard was approved. Ms. Wuerstle responded that the billboard was permitted in the zoning district and that it met all the regulations of the code.

Ms. Julia Carney responded that Billboard Regulations are located in the Municipal Code and not the Zoning Code.

Mr. Tarbell requested that the Sign Task Force reviewing the entire sign chapter in the Zoning Code address Billboard Regulations. Furthermore, Mr. Tarbell and Ms. Lemmie would like the Sign Task Force to look at advertising benches, advertising at bus stops and advertising at newspaper stands.

OTHER BUSINESS

ITEM #8 CPC Project Tracking Spreadsheet.

ADJOURN

Motion: Ms. Lemmie motioned to adjourn

Second: Ms. Hankner

Vote: All ayes (6-0), motion carried

Margaret A. Wuerstle, AICP
Chief Planner City Planning Commission
Department of Community
Development & Planning

Date: _____

Caleb Faux, Chair

Date: _____

